

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action of July 31, 2002. This amendment and request for reconsideration is believed to be fully responsive thereto.

Claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-52195 (JP '195). Applicant respectfully disagrees.

Regarding claims 1 and 2: The Examiner admits that JP '195 fails to disclose the moving hood and nut member brought into direct contact with each other. Nonetheless, the Examiner alleges that it would have been obvious to mount the nut member and the moving hood in direct contact.

However, in accordance with MPEP 2143, in order to establish a *prima facie* case of obviousness, the prior art reference must teach or suggest all the claim limitations. Moreover, MPEP 2143.01 specifically states that the mere fact that reference can be modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). There is no suggestion to support the Examiner's assertion. Clearly, JP '195 cited by the Examiner fails to disclose or

provide any motivation or suggestion to mount the nut member and the moving hood in direct contact.

Furthermore, the Examiner erroneously alleges that JP '195 shows a tight fit between the movable hood and the nut member so that impurities cannot enter into the clicking mechanism and affect the operation thereof. Contrary to the Examiner's allegations, as clearly shown in the lower part of the Fig. 5, there is substantial gap between the thrust washer-like member 50 and the hood 1, thus exposing the internal cavity 53 in the washer member 50 to the ambient environment.

Further regarding claim 1: JP '195 fails to disclose the click mechanism formed by the radially inner portions of the moving hood and nut member proximate to the radially outer portions of the respective contact surfaces. JP '195 cited by the Examiner lacks any motivation or suggestion to modify the fish rod reel mounting apparatus of the prior art with the click mechanism as recited in claim 1.

Further regarding claim 2: JP '195 fails to disclose the non-contact surfaces of the moving hood and the nut member including an elastic body and an engaging portion from which the elastic body is detachable. JP '195 cited by the Examiner lacks any motivation or suggestion to modify the fish rod reel mounting apparatus of the prior art with the moving hood and the nut member combination as recited in claim 2.

Therefore, because of the above arguments, the rejection of claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over JP '195 is improper.

Regarding claims 4 and 5: The Examiner admits that JP '195 fails to disclose the click sound generation mechanism disposed inside the nut member. Nonetheless, the Examiner alleges that it would have been obvious to rearrange the location of the click sound generation mechanism.

Here again, the prior art fails to provide any motivation or suggestion to locate the click sound generation mechanism inside the nut member.

By virtue of the click sound generation mechanism being provided inside the nut member, impurities (dust, sand, krill and the like) are prevented from entering the click mechanism (see page 18 of specification), and external forces do not directly act on the click mechanism and the strength of the reel seat is enhanced.

Therefore, the rejection of claims 4-8 under 35 U.S.C. 103(a) as being unpatentable over JP '195 is improper.

Further regarding claim 7: The Examiner admits that JP '195 does not show the coil spring, the protrusion and the recesses on other members than the pair of hoods and the nut member. Nonetheless, the Examiner alleges that it would have been obvious to mount coil spring, the protrusion and the recesses on other members.

Here again, the prior art fails to disclose or provide any motivation or suggestion to mount the coil spring, the protrusion and the recesses on other members than the pair of hoods and the nut member.

Therefore, the rejection of claim 7 under 35 U.S.C. 103(a) is improper.

Claim 9 was rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-52195 (JP '195). The applicant respectfully disagrees.

In re Tsurufuji  
09/517,009

JP '195 fails to disclose the click sound generation mechanism installed between the main body and the nut member for generating click sound using relative movement between the main body and the nut member.

By contrast, the apparatus of JP '195 includes the click mechanism disposed between the thrust washer-like member 50 and the hood 11 for generating click sound using relative movement between the member 50 and the hood 11. Therefore, claim 9 defines the invention over JP '195 and is in condition for allowance.

It is respectfully submitted that amended claims 1-9 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited.

Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

By:   
Matthew Stavish  
Reg. No. 36,286

Liniak, Berenato & White  
Suite 240  
6550 Rock Spring Drive  
Bethesda, Maryland 20817  
(301) 896-0600